

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NELSON TRAVIS ALEXANDER,

Defendant.

**CR 13-56-GF-BMM-01**

**ORDER ADOPTING MAGISTRATE  
JUDGE’S FINDINGS AND  
RECOMMENDATIONS TO MODIFY  
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 12, 2016. (Doc. 50.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 4, 2016. (Doc. 46.) Alexander admitted to violating his conditions of supervised release by: using marijuana, alcohol, and methamphetamine; failing to participate in substance abuse treatment and testing; and associating with a person convicted of a felony. (*Id.*)

Judge Johnston found the evidence sufficient to establish that Alexander had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Alexander's supervised release. (Doc. 50.) Judge Johnston recommends that the Court remand Alexander to the custody of the United States Bureau of Prisons for five (5) months, with 30 months of supervised release to follow. (*Id.*)

Alexander's violation grade is Grade C, his underlying offense is a Class A felony, and his criminal history category is I. He could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 36 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Alexander's current violation is serious in nature. A sentence of five (5) months in custody followed by 30 months of supervised release is sufficient, but not greater than necessary.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 50) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED:**

(1) That Defendant Nelson Travis Alexander's supervised release shall be revoked;

(2) That Alexander shall be remanded to the custody of the United States Bureau of Prisons for a period of five (5) months, followed by 30 months of supervised release; and

(3) That the same conditions of supervised release previously imposed shall be continued.

DATED this 28th day of January, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

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Brian Morris  
United States District Court Judge